

CITY OF LEWISTON

CITY COUNCIL

NOVEMBER 18, 2008

REGULAR MEETING HELD IN THE COUNCIL ROOM AT 7:00 P.M.

COUNCIL PRESIDENT THOMAS P. PETERS II, PRESIDING.

PRESENT: Councilors T. Peters, N. Peters, Poulin, Theriault, Bailey, Dube, Reed, City Administrator James Bennett and Deputy City Clerk Kelly J. Mercier
Absent/Excused: Mayor Gilbert

Pledge of Allegiance to the Flag.

Moment of Silence.

SPECIAL AMUSEMENT PERMIT FOR FISHBONES AMERICAN GRILL

Council President Peters opened the public hearing to receive citizen input and comment. No members of the public spoke for or against this item. Council President Peters then closed the hearing.

VOTE (272-2008)

Motion by Councilor N. Peters, seconded by Councilor Reed:

To grant a Special Amusement Permit for Live Entertainment to Fishbones American Grill, 70 Lincoln Street. Passed - Vote 7-0

SPECIAL AMUSEMENT PERMIT FOR RODEWAY INN

Council President Peters opened the public hearing to receive citizen input and comment. No members of the public spoke for or against this item. Council President Peters then closed the hearing.

VOTE (273-2008)

Motion by Councilor Reed, seconded by Councilor Poulin:

To grant a Special Amusement Permit for Live Entertainment to Rodeway Inn, 1243 Lisbon Street. Passed - Vote 7-0

CONTINUANCE OF PUBLIC HEARING AND FIRST PASSAGE REGARDING AMENDMENTS TO THE "ANIMALS" ORDINANCE REGARDING PROHIBITING DOGS IN PLAYGROUNDS AND ATHLETIC FIELDS

Council President Peters opened the public hearing to receive citizen input and comment. No members of the public spoke for or against this item. Council President Peters then closed the

hearing. Recreation Director Maggie Chisholm answered several questions of clarification from the Councilors. A list of parks and other locations where domestic animals are allowed will be compiled and presented to the council at a later date.

VOTE (274-2008)

Motion by Councilor Bailey, seconded by Councilor Dube:

That the proposed amendments to the City Code of Ordinances, Chapter 14 “Animals”, Article IX “Public Lands, Parks and Playgrounds: Control or Prohibition of Domestic Animals”, Sections 14-38 and 14-39 receive first passage by a roll call vote and that the public hearing on said ordinance be continued to the next regular City Council meeting.

Passed - Vote 6-1 (Councilor Reed opposed.)

**CONTINUANCE OF PUBLIC HEARING AND FIRST PASSAGE REGARDING
AMENDMENTS TO THE “PARKS AND RECREATION” ORDINANCE
CONCERNING NO SMOKING IN PLAYGROUND AREAS AND ATHLETIC FIELDS**

Council President Peters opened the public hearing to receive citizen input and comment. No members of the public spoke for or against this item. Council President Peters then closed the hearing. Recreation Director Maggie Chisholm and City Administrator James Bennett answered questions concerning smoking in city parks and on school playgrounds. After much discussion the following amendment was introduced.

VOTE (275-2008)

Motion by Councilor Reed, seconded by Councilor Poulin:

To amend the original requested motion “to ban smoking and all other use of tobacco products at all times on athletic fields and playgrounds”. Failed - Vote 3-4 (Councilors T. Peters, N. Peters, Bailey and Dube opposed.)

VOTE (276-2008)

Motion by Councilor Dube, seconded by Councilor Bailey:

That the proposed amendments to the City Code of Ordinances, Chapter 54 “Parks and Recreation”, Section 54-4 and Sections 54-7 through 54-10 receive first passage by a roll call vote and that the public hearing on said ordinance be continued to the next regular City Council meeting. Passed - Vote 4-2-1 (Councilors Theriault and Reed opposed and Councilor N. Peters abstained.)

CLARIFICATION OF AMENDMENTS TO THE GENERAL ASSISTANCE POLICY

At the October 21 City Council meeting the Council voted to adopt the MMA housing maximums and not the recommended Fair Market Rent (FMR) rates. Social Services Director Sue Charron explained the difference between the MMA housing maximums and the Fair Market Rent rates. The MMA maximums have increased only \$3.00-\$5.00 and are not realistic for Lewiston because of the high heating costs. She does have the ability to perform an “emergency

analysis” however, it was explained that performing an “emergency analysis” each and every time an applicant requests housing assistance is an administrative nightmare. The adoption of the FMR rates would allow the determination of eligibility efficiently, equitably and in a fiscally responsible manner.

Councilors had several questions and wanted clarification on the process on determining an “emergency analysis”. City Administrator James Bennett and Sue Charron provided answers and clarification to the council.

VOTE (277-2008)

Motion by Councilor T. Peters, seconded by Councilor Bailey:

To reconsider Vote #268-2008 from the October 21 council meeting. Passed - Vote 4-3 (Councilors Poulin, Theriault and Reed opposed.)

VOTE (278-2008)

Motion by Councilor T. Peters, seconded by Councilor N. Peters:

That the overall maximum amounts allowed for general assistance and the maximum amounts allowed for food, housing, personal/household supplies, diapers and personal supplies for children, utilities/electricity and heating fuel in the General Assistance Policy, for persons eligible to receive assistance in accordance with the standards of eligibility, be amended and adopted in accordance with HUD guidelines, Fair Market Rent rates and the current Thrifty Food Plan. Passed - Vote 4-3 (Councilors Poulin, Theriault and Reed opposed.)

APPROVAL OF ACQUISITION OF THE PROPERTY AT 87 LINCOLN STREET

Council President Peters stated that occasionally opportunities present themselves to the city and that the city was approached to purchase the property at 87 Lincoln Street. The city is land banking some properties to eventually help change the face of the city. This property is a seven unit building, six residential and one commercial. The city will be offering relocation incentives to the tenants of the building in hopes of relocation them within sixty days.

VOTE (279-2008)

Motion by Councilor Reed, seconded by Councilor Poulin:

To authorize the City Administrator to purchase the property located at 87 Lincoln Street for the purchase price of \$115,000, to approve the acquisition of the property as defined in the Purchase and Sale Agreement, to further authorize up to an additional \$35,000 for demolition, relocation and closing costs and that the City Administrator be and hereby is authorized to make, execute and deliver such deeds and other documents as he, in his discretion, may deem necessary or convenient to the accomplishment of such transaction. Passed - Vote 7-0

APPROVAL OF ACQUISITION OF THE PROPERTY AT 75 LINCOLN STREET

Council President Peters explained that this item is similar in nature to the previous item. He

explained that this is a one-story, commercial building on a 0.2 acre lot. The purchase price is \$199,000, which represents a 43% reduction from the original sales price of \$349,000. The current assessed valuation of the property is approximately \$224,000.

Councilor Theriault pointed out that the planning board sent a favorable recommendation to the City Council to acquire the property and reconsider the negotiated purchase price in light of the current real estate market.

City Administrator James Bennett explained that Chief Assessor Joe Grube also has an appraiser's license and that Joe was asked what the purchase price in today's market would be and he indicated that it would be higher than the purchase price of \$199,000.

VOTE (280-2008)

Motion by Councilor Reed, seconded by Councilor Theriault:

To authorize the City Administrator to purchase the property located at 75 Lincoln Street for the purchase price of \$199,000, to approve the acquisition of the property as defined in the Purchase and Sale Agreement, to further authorize up to an additional \$51,000 for demolition and closing costs and that the City Administrator be and hereby is authorized to make, execute and deliver such deeds and other documents as he, in his discretion, may deem necessary or convenient to the accomplishment of such transaction. Passed - Vote 7-0

At this point, the Council took a ten minute recess.

AUTHORIZATION ON SITING OF NEW PARKING GARAGE LOCATION AND AUTHORIZATION TO PROCEED WITH PARKING GARAGE DESIGN

Lincoln Jeffers, Assistant to the City Administrator, stated that the City has a contractual obligation to create an additional 488 spaces to meet the Bates Mill parking demand. By the terms of the sales agreement, the City does not need to build more than 450 spaces in any single year.

After evaluating a variety of locations to build a parking structure, it is recommended that the garage be built in the southwest corner of the Bates Mill No. 5 surface parking lot.

This site is already owned by the City. Mill Street at the base of Bates Mill No. 5 is approximately 18 higher in elevation than Lincoln Street, which will allow at least one level of parking to be below the grade of Mill Street.

With the future of Bates Mill No. 5 uncertain, siting a garage in this location retains flexibility for future parking garage phases. If Mill No. 5 remains standing, future garage phases can be built to the north, towards Main Street. If the decision is made to demolish Mill No. 5, subsequent garage phases could be built to the east, toward the main canal.

Councilor Theriault recommended looking into the possibility of using radiant heating and figuring in a retail base or even a restaurant on the top deck.

City Administrator James Bennett indicated that he would talk to the developers about the possibilities mentioned and run the numbers. He also clarified that the Bates Mill Sales Agreement specifies that Platz Associates will design the parking garages associated with redevelopment of the Bates Mill. The contract is structured so that the design services are provided at a reduced fee.

VOTE (281-2008)

Motion by Councilor Reed, seconded by Councilor N. Theriault:

To approve a portion of the southwest corner of the Bates Mill No. 5 surface parking lot as the location for a parking garage, and to authorize the City Administrator to enter into a contractual agreement with Platz Associates for design of the garage. Passed - Vote 7-0

STREET ACCEPTANCE OF VISTA BELLA DRIVE AND MACINTOSH LANE**VOTE (282-2008)**

Motion by Councilor Reed, seconded by Councilor Bailey:

ORDERED, That Vista Bella Drive and Macintosh Lane, with the boundaries and measurements of the same, as laid out and reported by the legal description, be hereby accepted, allowed and established as a public street or public way for the use of the City of Lewiston. Passed - Vote 7-0

UPDATE ON THE POSSIBILITY OF EXTENDING THE CREDIT PORTION OF THE STORM WATER UTILITY TO RESIDENTIAL PROPERTY

Public Services Director David Jones provided an overview of a map of the City with areas shaded in green being locations where drainage from properties may have no impact to the City's stormwater management and collection systems. These are areas of the City that drain directly to the Androscoggin River or drain to another community and do not come back into Lewiston and impact our stormwater facilities. It was emphasized that these properties may have no impact because each property would need to be evaluated individually to identify the drainage paths for the impervious surfaces on the property and whether these would impact the City's stormwater facilities. There are 146 parcels that are single family or duplex residential properties within the shaded area of the map.

After a question and answer period the Council instructed staff to draft an official change regarding extending the stormwater utility credit to residential property and bring this item back at a future meeting.

INTRODUCTION AND OUTLINE OF STRATEGIC PLAN PROCESS

City Administrator James Bennett provided a brief description of the proposed strategic plan process. The creation of the plan will seek a couple of key objectives. It will articulate a vision for the community, have a very deliberate discussion about how the community can look to create and capture the competitive advantages that are necessary to have long term sustainability and prosperity, and provide clarity to assist the community in making very difficult decisions in

this ever changing environment. The Council endorsed the creation of the strategic plan and the suggested work plan for the Council.

STAFF REPORT ON MANDATED SERVICES

Staff provided a written report identifying the current services that the City currently provides. This is a first draft and is simply provided as a significant piece of information for the Council, particularly as we proceed into what is anticipated to be a very difficult budget process.

REPORTS AND UPDATES

Councilor Reed invited all Councilors to the Auburn-Lewiston Airport on Thursday, November 20, for a private ceremony with certain other dignitaries. They will be rolling Connie, the Super Constellation, into the hanger.

City Administrator James Bennett mentioned that the landfill expansion project is making unbelievable progress and that the Councilors should take the time to check it out. He also mentioned the first Municipal Family meeting for the Strategic Plan will be held Monday, December 1st at Montello School.

Deputy City Administrator Phil Nadeau stated that the Maine PUC will hold a public hearing at City Hall on Monday, November 24 concerning the CMP improvement project and that area residents are welcome to attend. He also mentioned the city's website now has a link to the Maine Power Reliability Program information page and that Free Fare Fridays are returning for the month of December.

Council President Peters is talking with Dottie Perham-Whittier and Phil Nadeau to see if the City can have some sort of a clearinghouse on our website for citizens to visit to see what might be going on in the city.

Councilor Dube mentioned that she will be attending PUC technical conferences in Augusta concerning specific topics of interest related to the Maine Power Reliability program.

OTHER BUSINESS

Matthew Agren of East Avenue wanted to know when the sidewalk snowplow list and the winter parking ban issue would appear on the Council agenda. He was told they would be on the next agenda.

Councilor Reed suggested that the city change its winter parking ordinance to reflect an end date of March 31st instead of April 15th. Councilors agreed to it and City Administrator James Bennett said it would be on the December 2 agenda.

VOTE (283-2008)

Motion by Councilor Reed, seconded by Councilor Theriault:

To adjourn at 10:07 P.M. Passed - Vote 7-0

A true record, Attest:

Kelly J. Mercier, CMC
Deputy City Clerk
Lewiston, Maine